



South Carolina House of Representatives

Legislative Update

Robert W. Harrell, Jr., Speaker of the House

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CONTENTS

HOUSE WEEK IN REVIEW	02
HOUSE COMMITTEE ACTION	06
BILLS INTRODUCED IN THE HOUSE THIS WEEK.....	13

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HOUSE WEEK IN REVIEW

The House of Representatives approved and sent to the Senate **H.5063**, which provides **ENHANCED PENALTIES FOR UNEMPLOYMENT INSURANCE FRAUD**. This bill revises unemployment insurance fraud provisions for both employers and for those collecting jobless benefits by imposing a new range of criminal penalties for violations. More serious felony offenses are reserved for repeat violations and fraud that involves larger dollar amounts. Offenders are also required to make full restitution to the Department of Employment and Workforce for any economic advantages or benefits fraudulently obtained. In addition to these criminal penalties, the legislation includes enhanced civil penalties for unemployment insurance fraud that makes a violator subject to a fine of up to five thousand dollars for a first offense, a five thousand to ten thousand dollar fine for a second offense, and a ten thousand to fifteen thousand dollar fine for a third or subsequent offense. Revenue from these civil penalties must be used to provide funds for the costs of enforcing and administering unemployment insurance fraud provisions and the Omnibus Insurance Fraud and Reporting Immunity Act.

The House amended, approved and sent to the Senate **H.3757**, a bill that expands and enhances penalties for **HUMAN TRAFFICKING** and implements other measures to combat the practice of trafficking in persons where victims are subjected to involuntary servitude, sex trafficking, or debt bondage by means of physical restraint, extortion, control of immigration documents, drug dependency, or other forms of coercion. The legislation provides expanded and enhanced felony offenses that apply to someone who knowingly attempts or actually recruits, entices, solicits, isolates, harbors, transports, provides, or obtains a victim for human trafficking purposes. These criminal offenses also apply to those who benefit financially from human trafficking ventures. Repeat offenses carry longer terms of imprisonment with a third or subsequent offense subjecting the offender to imprisonment for up to forty-five years. Additional penalties are provided if a victim is under the age of eighteen. A person who aids, abets, or conspires with another person to commit human trafficking violations is considered a trafficker under the legislation and must be punished accordingly. The legislation provides for criminal liability and loss of business licenses for business owners that use their businesses to participate in or aid in human trafficking. The legislation provides for prosecution by the State Grand Jury when a trafficking in persons offense involves more than one county. The legislation provides mandatory restitution for victims of human trafficking and includes these crime victims under the provisions of the Victims' Bill of Rights so that they are entitled to compensation through the State Crime Victim's Compensation Fund. Confidentiality provisions are included for such victims. Victims of human trafficking are afforded an affirmative defense in certain criminal prosecutions and are authorized to bring civil actions. The legislation establishes provisions to safeguard a trafficking shelter, or domestic violence shelter by prohibiting the presence of human traffickers at shelters and creating a criminal offense for publishing or otherwise disclosing the location of a shelter or the whereabouts of a trafficking victim. The legislation establishes an interagency task force to develop and implement a State Plan for the Prevention of Trafficking in Persons and provides for the creation of public awareness programs on human trafficking issues.

The House approved and sent to the Senate **H.4945**, a bill authorizing **ONLINE ELECTRONIC VOTER REGISTRATION**. This legislation authorizes a person who is

qualified to register to vote and who has a valid South Carolina driver's license or state identification card issued by the South Carolina Department of Motor Vehicles (DMV) to submit an application for voter registration electronically on the website of the State Election Commission. An application is effective upon receipt by the commission if it is received 30 days before an election to be held in the precinct of the person submitting the application. The applicant shall attest to the truth of the information provided and assent to the use of his signature from his driver's license or state identification card issued by the DMV. A person who submits an application electronically must include his: driver's license or state identification card number; date of birth; last four digits of his social security number; name and address; and any other information the commission considers necessary to establish the identity of the applicant. Upon submission of an application, the electronic voter registration system must provide immediate verification of the data with information on file with the DMV. Should there be a failure to match any of the required information with the DMV, the commission shall immediately notify the applicant of the failure and inform the applicant that his application for registration was not accepted. The legislation further provides that the commission shall establish and maintain a voter registration database that shall be made continuously available to each board of elections and to other agencies. State agencies shall provide any information and data to the commission that it considers necessary in order to maintain the database, except where prohibited by federal law or regulation. The commission shall ensure the confidentiality of database information. The name or address of a registered elector shall only be updated upon the elector's filing of a notice of change of name and/or address. A county board of registration shall contact a registered elector by mail at the address on file to verify the accuracy of the database information when there is a discrepancy with information on the elector maintained by a state agency. The commission may enter into agreements to share the information or data with other states or groups of states.

The House approved and sent to the Senate **H.4200**, a bill creating the **SOUTH CAROLINA FRESH ON THE CAMPUS PROGRAM** within the South Carolina Department of Agriculture for the purpose of fostering direct relationships among South Carolina farms, schools, and other institutions that facilitate student consumption of fresh and minimally processed foods. The program must: identify and promote local farms to school programs and advise agencies on needed statewide actions; establish a partnership with public and nonprofit resources to implement a public engagement campaign and establish a structure to facilitate communication among schools, school districts, similar institutions, farmers, and produce distributors; encourage school districts to develop and implement school nutrition plans which purchase and use locally grown farm fresh products; conduct workshops, training sessions, and provide technical assistance for school food service directors, farmers, produce distributors, and others regarding the availability of South Carolina farm products and the benefits of purchasing and consuming this state's fresh food products; regularly consult with the staff of the Department of Agriculture, the Department of Health and Environmental Control, the State Department of Education, and Clemson University about program implementation; and seek appropriate grants and private funding. A program website must be established by the Department of Agriculture and the State Department of Education must maintain a direct link to it.

The House concurred in Senate amendments to **S.710** and enrolled the bill for ratification. The legislation provides that, upon an individual's request, proof of eligibility and payment of a one dollar fee, the Department of Motor Vehicles is authorized to

include a **VETERAN STATUS DESIGNATION ON THE FRONT OF A DRIVER'S LICENSE** or special identification card. The legislation authorizes the department to include a **HEARING IMPAIRED NOTATION ON A DRIVER'S LICENSE** upon request and submission of medical documentation that the applicant has a permanent, uncorrectable hearing loss of forty decibels or more in one or both ears. The legislation also provides for the issuance of hearing impaired driver placards. A fee not to exceed five dollars may be charged to each applicant issued a placard.

The House approved **S.872**, regarding the **RETIREMENT OF SOUTH CAROLINA NATIONAL GUARD OFFICERS AND ENLISTED MEN**, and enrolled the bill for ratification. The legislation extends the retirement honorary promotion provisions to honorably discharged service members who are removed from the National Guard due to medical conditions.

The House concurred in Senate amendments to **H.4595** and enrolled the bill for ratification. The legislation revises a 2011-2012 General Appropriations Act proviso that directs the Department of Education to transfer certain funds to meet federal **MAINTENANCE OF EFFORT REQUIREMENTS FOR THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT (IDEA)**. The legislation also addresses **RETIRED TEACHER SALARIES** by providing that school districts uniformly may negotiate salaries below the school district salary schedule for the 2012-2013 school year for retired teachers.

The House concurred in Senate amendments to **H.4664**, relating to the **GOVERNANCE OF THE SOUTH CAROLINA RURAL INFRASTRUCTURE AUTHORITY**, and enrolled the bill for ratification. The legislation revises the membership of the board of directors of the South Carolina Rural Infrastructure Authority by providing that the members appointed by the Speaker of the House of Representatives and the Chairman of the House Ways and Means Committee may be members of the General Assembly. Such members must reside in or represent all or some portion of the counties designated as distressed or least developed, and if appointed, must serve on the board in an ex officio capacity. The legislation also provides that the authority, by a majority vote of the board of directors, may hire a director so long as at least one of the gubernatorial appointees and at least three of the legislative appointees vote in favor of the hiring.

The House approved and sent to the Senate **H.4705**, a bill **REQUIRING HOSPITALS TO PROVIDE EDUCATIONAL INFORMATION ON PERTUSSIS DISEASE TO PARENTS OF NEWBORNS**. Responding to the recent comeback of pertussis, the highly contagious bacterial disease that causes uncontrollable, violent coughing, also known as whooping cough, the legislation requires a hospital to provide parents of newborns information on pertussis and the availability of a protective vaccine, including the Center for Disease Control's recommendation that parents receive the tetanus, diphtheria, and pertussis vaccine during the post partum period to protect their newborns from the transmission of pertussis. Hospitals are not required to provide or pay for a vaccination against pertussis.

The House amended, approved, and sent to the Senate **H.4717**, legislation allowing for the **EXPEDITED PLACEMENT OF A CHILD WITH GRANDPARENTS AND CERTAIN OTHER RELATIVES WHEN A CHILD REMAINS IN THE LEGAL CUSTODY OF THE DEPARTMENT OF SOCIAL SERVICES**. If the family court makes a finding that continuing the child in the home would be contrary to the welfare of the child and a child

remains in the legal custody of the Department of Social Services following the probable cause hearing in a child abuse or neglect case, this legislation provides that the family court may order expedited placement with a relative of the first or second degree, which includes a grandparent. The legislation further provides that the court shall consider the totality of the circumstances and certain characteristics of the relative and how these would impact the child. If the court places a child with a relative of the first or second degree, the relative must be named as a party for the duration of the case or upon further order by the court.

The House amended, approved, and sent to the Senate **H.4738**, a bill relating to the **COURT'S CONSIDERATION OF THE RETIREMENT OF SUPPORTING SPOUSE WHEN DETERMINING ALIMONY**. The legislation includes among the factors that the court must consider in making an award of alimony or separate maintenance and support the likelihood of retirement, whether that retirement would be voluntary or mandatory, and whether the retirement would result in a decrease in the supporting spouse's income. The legislation provides that retirement by the supporting spouse is sufficient grounds to warrant a hearing, if so moved by a party, to evaluate whether there has been a change of circumstances for alimony. In its evaluation of alimony, the court shall consider such factors as: whether the retirement was contemplated when the alimony was awarded; the age of the supporting spouse; the health of the supporting spouse; whether the retirement was mandatory or voluntary; whether retirement would result in a decrease in the supporting spouse's income.

The House approved and sent to the Senate **H.4043**, a bill that provides for the **DISQUALIFICATION FROM UNEMPLOYMENT COMPENSATION FOR FAILING TO PASS A PROSPECTIVE EMPLOYER'S DRUG SCREENING**.

The House approved and sent to the Senate **H.4092**, which relates to **SMOKING PROHIBITIONS AND PUBLIC INSTITUTIONS OF HIGHER LEARNING**. This legislation amends the state's Clean Indoor Air Act to provide that smoking is prohibited in buildings, or portions of buildings, and the outside areas immediately contiguous to these buildings owned, leased, operated, or maintained by a public institution of higher learning that the governing board of the institution has designated as nonsmoking.

The House amended and gave second reading approval to **H.5025**, a bill revising the membership and election of the **SOUTH CAROLINA STATE UNIVERSITY BOARD OF TRUSTEES**.

The House gave second reading approval to **H.4054**, a bill providing that it is **UNLAWFUL TO HUNT MIGRATORY WATERFOWL ON LAKE KEOWEE WITHIN TWO HUNDRED YARDS OF A DWELLING**.

The House amended and rejected **H.4269**. This bill revises provisions relating to additional **CHARGES ASSOCIATED WITH CONSUMER LOANS**, so as to include a five dollar charge for the cost incurred by a licensee for processing automated clearing house payments and for processing payments that consumers make through credit or debit cards.

HOUSE COMMITTEE ACTION

JUDICIARY

The full House Judiciary Committee met on Tuesday, April 17, 2012, and gave consideration to several bills

S.271 received a favorable report from the Judiciary Committee. This legislation pertains to **DEBTOR'S PROPERTY EXEMPT FROM ATTACHMENT, LEVY AND SALE**, and in particular it relates to the **EXEMPTION FOR INDIVIDUAL RETIREMENT ACCOUNTS**. Current law provides an exemption for individual retirement accounts only to the extent reasonably necessary for the support of the debtor or his dependents. This legislation deletes this limitation. The legislation provides that the interest of an individual under a retirement plan is exempt from creditor process to the same extent permitted under federal bankruptcy law. The exemption is available whether such individual has an interest in the retirement plan as a participant, beneficiary, contingent annuitant, alternate payee, or otherwise.

The Judiciary Committee gave a favorable recommendation to **H.4758**, legislation which **DELETES REFERENCES TO JURY COMMISSIONERS FOR THE PURPOSE OF SUMMONING JURORS IN CIRCUIT COURT** and allows the clerk of court or the deputy clerk to perform the function of drawing and summoning jurors.

H.4516, which relates to the **INVESTIGATION OF ABUSE, NEGLECT, AND EXPLOITATION OF RESIDENTS IN CERTAIN FACILITIES OPERATED BY THE STATE**, received a favorable report from the full committee. This legislation provides that noncriminal reports of abuse, neglect, and exploitation of persons committed to the Department of Mental Health pursuant to the Sexually Violent Predator Act must be referred by the Vulnerable Adults Investigations Unit of the State Law Enforcement Division to the Client Advocacy Program of the Department of Mental Health for investigation.

H.4766 received a favorable recommendation. This legislation enacts the "**SOUTH CAROLINA BENEFIT CORPORATION ACT**". New entities electing to organize under such a designation or existing entities electing to amend their governing documents to receive such a designation are required to pursue a general public benefit, defined broadly as having a positive material impact on society and the environment, taken as a whole, as measured by a third-party standard. With regards to accountability, benefit corporations are required to consider the impact of their decisions not only on shareholders but also on workers, community, and the environment. Additionally, benefit corporations must publicly report annually on overall social and environmental performance against a third party standard. A benefit corporation may include in its governing documents other corporate purposes, including engaging in any lawful business. This status has no tax implication for the corporation. A benefit corporation may terminate its status by amending its governing documents.

The full committee gave a favorable recommendation to **H.3987**, legislation authorizing **CHILD SUPPORT ENFORCEMENT ASSISTANCE TO BE PROVIDED BY CLERKS OF COURT** in cases not being administered pursuant to federal law by the South

Carolina Department of Social Services. This legislation allows clerks of court to attempt to locate individuals for the purpose of establishing, modifying, and enforcing child support obligations, and it allows clerks of court access to certain enforcement information.

[H.3274](#) received a favorable with amendment report from the Judiciary Committee. This legislation provides **EXPEDITED EJECTMENT PROCEDURES FOR TENANTS IF THE GROUNDS FOR EJECTMENT FOR A RESIDENTIAL RENTAL AGREEMENT ARE CIRCUMSTANCES THAT CONSTITUTE MALICIOUS PROPERTY DAMAGE OR SIGNIFICANT THREAT TO SAFETY**. The landlord or his agent bears the burden of proof by a preponderance of the evidence that the actions of a tenant, a member of the tenant's household, or a guest actions constitute malicious property damage or significant threat to safety. The filing fee for an application for an expedited ejectment proceeding is \$50, and the landlord or his agent who initiates the actions must file an affidavit stating specific facts and instances to support the action. Within 24 hours after the filing, the magistrate must review the application and affidavit in an ex parte hearing without giving the defendant notice of the hearing. If the landlord or agent shows sufficient evidence, the magistrate shall authorize the action to proceed with service. A magistrate may impose a civil penalty up to \$500 against a landlord or his agent for abuse of the expedited process. The legislation includes provisions as to various ways a copy of the rule to show cause may be served on the tenant. If the tenant fails to appear and show cause within ten calendar days following the first attempt at service, then the magistrate shall issue a warrant of ejectment and the tenant shall be ejected by law enforcement.

[S.391](#) received a favorable with amendment recommendation. As approved by the Judiciary Committee, this legislation makes a variety of **ELECTION LAW REVISIONS**. One area of election law addressed is special elections to fill vacancies in office. With regards to partisan elections, the legislation revises the time frame that triggers when a special election must be held on the same day as the general election. Current law provides that if the eighteenth Tuesday after the vacancy occurs is no more than 60 days prior to the general election, the special election must be held on the same day as the general election. This legislation expands this time period from 60 days to 120 days, and this provision applies to all special elections that have not yet occurred, including the pending special elections to fill current vacancies in the General Assembly. The legislation provides that a vacancy in the office of mayor or council may be filled for the remainder of the term at a special election held pursuant to Section 7-13-190 if the vacancy occurs 180 days or more or 90 days or less prior to the next municipal election. Also relating to special elections to fill vacancies in office, the legislation provides that if the Governor declares a state of emergency covering an entire jurisdiction holding an election, the election must be postponed and held on the next Tuesday. Relating to the required notice for general, municipal, special, and primary elections, this legislation: (1) provides each notice must include a reminder of the date the make-up election will be held if the originally scheduled election must be postponed due to inclement weather or emergency, and (2) changes the posted time at which absentee ballots may begin to be examined from 2:00 p.m. to 9:00 a.m. Relating to the date by which the party chairman, vice chairman, or secretary must provide written certification of the candidates' names to the State Election Commission, this legislation changes the date from April ninth to April fifth. Relating to the certification of candidates, this legislation changes the date by which candidates for President and Vice President must be certified to the State Election Commission from September tenth to the first Tuesday following the first Monday in

September. Relating to the duties of the executive director of the State Election Commission, this legislation requires a separate designation in the master file for each voter casting absentee ballots and early ballots in general elections. As approved by the Judiciary Committee, provisions in the legislation allowing for an early voting period preceding election day were removed.

LABOR, COMMERCE AND INDUSTRY

The full Labor, Commerce and Industry Committee met during the week and reported out several bills.

The committee gave a report of favorable with amendments on **H.4944**, the “**SOUTH CAROLINA TELEMEDICINE INSURANCE REIMBURSEMENT ACT**”. The legislation provides that a physician or other health care provider who performs telemedicine services in an approved manner must be reimbursed by an insurer for those services in the same manner as health care services provided through an in-person consultation. Under the legislation, telemedicine means the delivery of health care, including diagnosis, treatment, or transfer of medical data, by means of interactive audio, video, or data communications by a licensed physician or other health care provider at a consultant site to a patient at a referring site. Interactive audio and video telecommunications must be used between the consultant site and the referring site. The legislation specifies the responsibilities of the telemedicine provider to promptly and electronically communicate the details of an encounter to the patient’s medical home, or, when a patient has no medical home, to either perform or arrange a face to face encounter between the patient and a physician within one week. The South Carolina Board of Medical Examiners has the authority to authorize other specific programs that use standard telephone, facsimile transmissions, unsecured electronic mail, or a combination of them to render health care services, but services rendered through such means do not constitute telemedicine under the legislation.

The committee gave a report of favorable with amendments on **H.5103**, a bill establishing **PHARMACY AUDIT RIGHTS**. The legislation establishes the rights of a pharmacy when undergoing an audit of its records conducted by a managed care company, insurance company, third-party payer, or any entity that represents a responsible party. These rights address time limitations, auditing standards, access to records, limitations on recoupment of funds, and access to an appeals process. These provisions do not apply to an audit, review, or investigation conducted by or on the behalf of the Department of Health and Human Services in the performance of its duties in administering Medicaid Program or that involves alleged insurance fraud or abuse, Medicare fraud or abuse, or other fraud or misrepresentation.

The committee gave a report of favorable with amendments on **H.3710**, a bill providing authority for the **ISSUANCE OF TEMPORARY PROFESSIONAL AND OCCUPATIONAL LICENSES TO SPOUSES OF ACTIVE DUTY MILITARY PERSONNEL** stationed in South Carolina. The legislation establishes the conditions under which a board or commission that regulates the licensure of a profession or occupation may issue a six-month temporary license to the spouse of an active duty member of the United States Armed Forces assigned to a duty station in this state. In order to obtain a temporary license, an applicant must meet the legislation’s

requirements, including holding a valid license issued in another jurisdiction and passing applicable criminal background checks.

The committee gave a favorable report on **H.5080**, a bill that brings state laws into compliance with the federal Dodd-Frank Wall Street Reform and Consumer Protection Act by providing for the **INCLUSION OF DERIVATIVE TRANSACTIONS UNDER BANK LENDING LIMITATIONS**. The legislation includes derivative transactions under provisions relating to the maximum amount of loans by a bank to a borrower. A “derivative transaction” is defined as any transaction that is a contract, agreement, swap, warrant, note, or option that is based, in whole or in part, on the value of any interest in, or any quantitative measure or the occurrence of any event relating to one or more commodities, securities, currencies, interest, or other rates, indices, or assets.

The committee gave a report of favorable with amendments on **H.5029**, a bill relating to the **OFF-SITE DISPLAY OF AUTOMOBILES AND TRUCKS** by vehicle dealers. The legislation prohibits the off-site displays of automobiles or trucks except under specified conditions. A licensed South Carolina automobile or truck dealer may display up to ten of their vehicles per licensed dealership off-site only at nonselling temporary events lasting no more than ten days hosted by a South Carolina based charitable organization, school fundraising event, church fundraising event, town fair, town festival, or any other similar festival or event. Used automobile or truck dealers may conduct off-site displays under these restrictions in the county in which their dealership is located. The restrictions do not apply to vehicle test drives. Penalties are established for engaging in off-site sales rather than displays and other violations of the limitations.

MEDICAL, MILITARY, PUBLIC AND MUNICIPAL AFFAIRS

The full Medical, Military, Public and Municipal Affairs Committee met on Tuesday, April 17, 2012, and the committee reported out one bill.

The committee gave a favorable with amendment recommendation to **H.4497**, regarding the **“CERVICAL CANCER PREVENTION LICENSURE ACT”**. Beginning with the 2012-2013 school year, the South Carolina Department of Health and Environmental Control (DHEC) shall offer the cervical cancer vaccination for adolescent students enrolling in the seventh grade in any public or private school. The cervical cancer vaccination series means the human papillomavirus vaccination series.

The cervical cancer vaccination is not mandatory and the brochure is required to refer to the optional nature of the vaccination. DHEC is required to develop an informational brochure concerning adolescent vaccinations, including the cervical cancer vaccination series. The information shall include the optional nature of the cancer vaccination series and shall encourage parents or guardians to take the child to their own health care provider to be vaccinated. This brochure is to be provided to each school that includes grade six.

The legislation also states that this effort is contingent upon the appropriation of state and federal funding to the department to fully cover the costs of providing this vaccine to eligible students as well as the availability of funds to produce the informational materials.

WAYS AND MEANS

The full Ways and Means Committee met on April 18 and reported out several bills.

The committee gave a report of favorable with amendments on **H.4995**, a bill revising **SALES TAX EXEMPTIONS**. The legislation eliminates the sales tax exemptions provided for the following items: railroad cars, locomotives, monorail cars, and the engines or motors that propel them, and their parts; vessels and barges of more than fifty tons burden; supplies and machinery used by laundries, cleaning, dyeing, pressing, or garment or other textile rental establishments; motor vehicles (excluding trucks) or motorcycles sold to someone who is a resident of another state, but who is located in South Carolina by reason of orders of the United States Armed Forces; plants and animals sold to any publicly supported zoological park or garden; office supplies or other commodities and services resold by the State Budget and Control Board to state government departments and agencies, if the tax was paid on the original purchase; petroleum asphalt products used in paving, purchased in-state, but exported for out-of-state use; depreciable assets, used in the operation of a business when the entire business is sold by the owner under a written contract and the purchaser continues operation of the business; solid waste disposal collection bags that a local government specifically requires its residents to buy; postage purchased by those selling direct mailing advertising services; parts and supplies used by persons engaged in the business of repairing or reconditioning aircraft owned by or leased to the federal government or commercial air carriers; motor vehicle extended service contracts and motor vehicle extended warranty contracts; clothing and other attire required for working in high tech clean room environments; audiovisual masters; cooperative direct mail promotional advertising materials and promotional maps, brochures, pamphlets, or discount coupons by nonprofit chambers of commerce or convention and visitor bureaus; copies of or access to legislation or other informational documents provided to the general public or any other person by a legislative agency when a charge for these copies is made to cover the cost of the copies; seventy percent of the gross proceeds of the rental or lease of portable toilets; Sweetgrass baskets made by South Carolina artists using locally grown materials; property sold to the public through a sheriff's sale; amusement park rides and their parts, machinery, and equipment located in a qualifying park; energy efficient appliances and products purchased for noncommercial home or personal use with a sales price of two thousand five hundred dollars or less; and, machinery and equipment, building and other raw materials, and electricity used in the operation of a facility owned by an nonprofit organization that is principally used for researching and testing the impact of such natural hazards as wind, fire, water, earthquake, and hail on building materials used in residential, commercial, and agricultural buildings. The revenue generated by the elimination of these exemptions must be used to reduce the overall sales tax rate. The Joint Committee on Taxation is re-established under the legislation and charged with conducting a cost benefit analysis of the sales tax exemptions and reviewing their feasibility every five years, if not more frequently.

The committee gave a report of favorable with amendments on **H.4610**, a bill establishing a **SCHOOL BUS DECENTRALIZATION STUDY COMMITTEE**. The legislation creates a committee to produce a study on the decentralization of the

provision of school transportation services in this state by the public sector, private sector, or combination of both that must address the most cost-effective, efficient, and safe way to provide school transportation services to students in grades K-12 utilizing available state and local resources and funding. The committee shall consist of eleven members, four members to be appointed by the Speaker of the House of Representatives, one of whom must be a school finance officer, four members to be appointed by the President Pro Tempore of the Senate, one of whom must be a school finance officer, and three members to be appointed by the Governor. With legislative and gubernatorial staff supplying needed assistance, the committee is required to submit its report by January 1, 2013, at which time the committee shall be abolished.

The committee gave a report of favorable with amendments on **H.4484**, a bill providing authority for **CLAIMING THE OWNER-OCCUPIED PROPERTY TAX ASSESSMENT RATIO ON A SECOND RESIDENCE THAT IS A VACANT HOME UP FOR SALE**. The legislation establishes provisions that allow a taxpayer to claim the four percent property tax assessment ratio for two residential properties located in the state so long as the taxpayer is attempting to sell the first acquired residence and this residence that is for sale remains vacant and unused. The four percent assessment ratio may not be claimed on both residences for more than one property tax year.

The committee gave a report of favorable with amendments on **H.5049**, relating to **PROPERTY TAX ASSESSMENT APPEALS**. This bill revises the appeal of a property assessment value. The legislation provides that the appeal must be based on the market values of real property as of December thirty-first of the tax year under appeal. The legislation revises property tax assessment notice provisions, so as to provide that in a year in which an assessable transfer of interest occurs due to a conveyance, if the assessor determines that fair market value is more than the purchase price, the assessor shall state with particularity, the basis for the increase in fair market value. The legislation provides that the taxpayer at least has thirty days of receipt of the tax notice to appeal, and requires the assessor to include a property tax refund assignment contract in certain cases. The legislation provides that the county assessor shall have the burden of proof in a property tax appeal. The legislation allows a taxpayer to appeal the value once every five years, with certain exceptions.

The committee gave a report of favorable with amendments on **H.4082**, a bill addressing **FUNDING FOR FORESTRY COMMISSION FIREFIGHTING ACTIVITIES AND EQUIPMENT**. The legislation provides that, from July 1, 2012, through June 30, 2017, two and one-quarter percent of insurance premium tax revenue must be transferred to the South Carolina Forestry Commission and used by that agency for firefighting and firefighting equipment replacement.

The committee gave a report of favorable with amendments on **H.4697**, a bill relating to **SOUTH CAROLINA ARTS COMMISSION FUNDING**. The legislation provides that eight and one-half percent of the balance remaining of the general fund portion of state admissions tax revenues for the previous fiscal year, after required transfers have been, made must be transferred annually to the South Carolina Arts Commission. The South Carolina Arts Commission shall expend at least seventy percent of funds from the admissions tax on grants to support the statewide improvement of learning and enrichment opportunities for children and communities through educational and cultural programs with proven research-based strategies.

The committee gave a report of favorable with amendments on **H.3079**, a bill providing for **CHARITABLE BINGO REVISIONS**. The legislation creates the Charitable Bingo Advisory Committee to address, in an advisory capacity, issues arising in the charitable bingo industry including, modernization of the industry, expansion of products, streamlining the regulatory process, and improvement of communication toward the ends of conformance and compliance with the Bingo Tax Act. The legislation provides for the committee's membership and requires a Department of Revenue employee, who is knowledgeable about the provisions of the Bingo Tax Act, to serve as liaison with the committee. The legislation provides for the establishment of an informational charitable bingo website by the Department of Revenue to serve as a clearinghouse for information and requires the department's response to inquiries as permanently accessible advisory opinions. The legislation provides for various revisions to bingo provisions. Notably, the legislation broadens provisions for a bingo gaming session to include a deal of instant bingo tickets and authorizes several types of instant bingo games.

BILLS INTRODUCED IN THE HOUSE THIS WEEK

AGRICULTURE, NATURAL RESOURCES, AND ENVIRONMENTAL AFFAIRS

S.1059 GOVERNING BOARD FOR THE DEPARTMENT OF NATURAL RESOURCES Sen. Cromer

The legislation relates to the composition of the governing board of the Department of Natural Resources to increase the number of board members to reflect the addition of the new congressional district and to designate the at-large board member as chairman.

S.1220 SURFACE WATER WITHDRAWAL PROGRAM Sen. Campbell

The legislation details the fees for surface water withdrawal applications and permits that would otherwise have been repealed January 1, 2013. The legislation also reimposes fees the Department of Health and Environmental Control may charge for surface water withdrawal and applications and permits.

EDUCATION AND PUBLIC WORKS

S.1042 MIDDLE AND HIGH SCHOOLS TO PROVIDE STUDENTS WITH INSTRUCTION ABOUT CERTAIN CRIMINAL CONDUCT AND HOW TO PROTECT THEMSELVES FROM BEING A VICTIM OF SEXUAL ABUSE OR CONDUCT Sen. Anderson

Beginning with school year 2012-2013, this legislation requires all middle and high schools to provide instruction each year to its students in each grade at the beginning of the school year about criminal conduct or other actions most commonly committed by or involving school-aged children or young adults that could result in incarceration in a federal, state, or local prison or detention facility whether the conduct or actions are committed as a juvenile or as an adult. This conduct includes, but is not limited to, mob or gang violence, fighting, criminal sexual conduct with particular emphasis on unlawful sexual relations between a minor and another person of a greater age, failure to pay child support, and disrupting school or classes. The instruction must be given in single gender settings and shall be of a length determined by the local school district governing body. Also, the students must be taught how to protect themselves from unwanted sexual contact, how to protect themselves from being a victim of sexual abuse or conduct, and the potential of being brought before family court for status offenses such as school truancy. The Department of Education shall prepare an outline of the instruction to be taught and make it available to the middle and high schools of this State.

JUDICIARY

S.168 PENALTIES FOR CUTTING, REMOVING, OR TRANSPORTING TIMBER

PRODUCTS WITHOUT THE CONSENT OF THE LANDOWNER

Sen. Shoopman

This legislation revises penalties for cutting, removing, or transporting timber products without the consent of the landowner. If the value of the forest products is \$1,000 or less, a person who violates these provisions is guilty of a misdemeanor and, upon conviction for a first offense under this legislation, must be fined not more than \$1,500 or imprisoned for not more than 30 days, or both; and for a second or subsequent offense under this legislation, must be fined not less than \$2,000 and not more than \$5,000 or imprisoned for not more than 60 days, or both. If the value of the forest products is more than \$1,000 but less than \$5,000 a person who violates these provisions for a first offense, is guilty of a misdemeanor and, upon conviction under this legislation, must be fined not less than \$5,000 and not more than \$10,000 or imprisoned for not more than five years, or both and for a second or subsequent offense, is guilty of a felony and, upon conviction under this legislation, must be fined not less than \$10,000 and not more than \$20,000 or imprisoned for not more than ten years. If the value of the forest products is \$5,000 or more, a person who violates these provision for a first offense, is guilty of a misdemeanor and, upon conviction under this legislation, must be fined not less than \$10,000 and not more than \$20,000 or imprisoned for not more than ten years, or both and for a second or subsequent offense, is guilty of a felony and, upon conviction under this legislation, must be fined not less than \$10,000 and not more than \$20,000 or imprisoned for not more than ten years.

S.788 "FARM ANIMAL, CROP OPERATIONS, AND RESEARCH FACILITIES PROTECTION ACT" Sen. Verdin

This legislation amends the "Farm Animal and Research Facilities Protection Act" to include provisions relating to crop operations. Among other things, the legislation prohibits disrupting and damaging crop operations. However, the legislation does not prohibit appropriate actions taken by government officials or persons holding certain

legal interests in the crop operation or property. With regards to animal facilities, the legislation includes provisions so as to not prohibit actions of a licensed veterinarian practicing veterinary medicine according to customary standards of care or persons holding legal interest in an animal facility. Criminal and civil penalties are provided for violations of these provisions. A person who suffers damages resulting from the commission of an act prohibited by this legislation has a civil cause of action for treble the amount of his actual damages, for consequential damages, for punitive damages for an injunction, and any other appropriate relief in law or equity. Upon prevailing in the civil action, the plaintiff may recover reasonable attorney's fees and costs. Also, the legislation includes provisions prohibiting the disclosure of certain information by the State Veterinarian that may be used to identify a person or private business activities subject to regulation unless the State Veterinarian determines that disclosure is necessary to implement programs, to prevent the spread of animal disease, or to protect the public health.

S.1149 "BORN ALIVE INFANT PROTECTION ACT" Sen. Campsen

This legislation provides that in determining the meaning of any act or joint resolution of the General Assembly or in a regulation, unless otherwise defined in the act, joint resolution, or regulation, the words 'person', 'human being', 'child', and 'individual' must include every infant member of the species homo sapiens who is born alive at any stage of development. The term 'born alive', with respect to a member of the species homo sapiens, means the complete expulsion or extraction from the mother of that member, at any stage of development, who after the expulsion or extraction breathes or has a beating heart, pulsation of the umbilical cord, or definite movement of voluntary muscles, regardless of whether the umbilical cord has been cut, and regardless of whether the expulsion or extraction occurs as a result of natural or induced labor, cesarean section, or induced abortion. Nothing in this legislation may be construed to affirm, deny, expand, or contract any legal status or legal right applicable to any member of the species homo sapiens at any point before being born alive.

S.1329 APPOINTMENT OF MEMBERS OF THE BOARD OF PROBATION, PAROLE AND PARDON SERVICES Sen. Fair

This legislation revises how members of the Board of Probation, Parole and Pardon Services are appointed. Currently, there are seven members of the Board of Probation, Parole and Pardon Services. Six are elected from current congressional districts, and one is elected on an at-large basis. As there is a new seventh congressional district, this legislation provides that all seven members of the board must be selected from a congressional district. The legislation further provides that at least one appointee shall possess the qualifications that the at-large appointee formerly met.

S.1354 CEASE AND DESIST ORDERS ISSUED BY THE SECURITIES COMMISSIONER Sen. Bryant

Relating to securities violations, this legislation requires all cease and desist orders issued by the Securities Commissioner to be public documents and to be published on the Attorney General's website. Also, a copy of a final order must be forwarded to the Department of Revenue and the Secretary of State's Office. If the Attorney General has reason to believe that a matter subject to an order issued would constitute a violation of federal law, this legislation provides that he may notify the appropriate federal agency with jurisdiction over the matter.

H.5143 GRANDPARENT VISITATION Rep. McLeod

This legislation relates to the jurisdiction of the family court, in particular its authority to order grandparent visitation. This legislation allows the family court to order visitation for the grandparent of a minor child, if the court finds that (1) the child's parents are unreasonably depriving the grandparent of the opportunity to visit with the child, and (2) awarding grandparent visitation would not interfere with the parent-child relationship, and (3) there are compelling circumstances to overcome the presumption that the parental decision is in the child's best interest.

H.5144 PUBLIC OFFICIALS USING STATE-FUNDED TRANSPORTATION OR SECURITY PERSONNEL FOR OUT-OF-STATE TRAVEL Rep. Ott

This legislation provides that a public official must not use state-funded transportation or security personnel for out-of-state travel except in the necessary and proper execution of official state business. It requires public officials who use state-funded transportation or security personnel for out-of-state travel to quarterly report this use through the online ethics disclosure system. The legislation also requires the Ethics Commission and Ethics Committees, as applicable, to review these disclosures. If the commission or committee finds that the out-of-state travel was not necessary for the proper execution of official state business, the public official shall reimburse the state for these expenses, with interest.

LABOR, COMMERCE AND INDUSTRY

S.781 "PORTABLE ELECTRONICS INSURANCE ACT" Sen. Thomas

This bill establishes provisions governing the issuance of portable electronics insurance which covers the repair or replacement of portable electronic devices and may provide coverage for portable electronics against loss, theft, and inoperability due to mechanical failure, malfunction, damage, and other similar loss.

S.836 INTERSTATE HEALTHCARE COMPACT Sen. Grooms

This bill enacts an Interstate Healthcare Compact and enters South Carolina into the compact along with any other states legally joining the compact by the adoption of similar legislation. Member states shall take joint and separate action to secure congressional consent to this compact in order to return the authority to regulate health care to the member states. The legislation provides that the legislature of each member state has the primary responsibility to regulate health care in their state. Each member state, within its jurisdiction, may enact legislation to suspend the operation of all federal laws, rules, regulations, and orders regarding health care that are inconsistent with those adopted by the member state pursuant to this compact. Each federal fiscal year, each member state shall have the right to federal monies up to an amount equal to its member state current year funding level for that federal fiscal year, funded by Congress as mandatory spending and not subject to annual appropriation, to support the exercise of member state authority under this compact. This funding shall not be conditional on any action of or regulation, policy, law, or rule being adopted by the member state. The legislation establishes an Interstate Advisory Health Care Commission and provides for its membership and responsibilities.

S.1004 TELEPHONE SOLICITORS MUST REQUIRED TO HAVE ACCURATE IDENTIFYING INFORMATION ON CALLER IDENTIFICATION DISPLAYS

Sen. Cromer

This bill revises provisions regulating unsolicited consumer telephone calls, to provide that telephone solicitors must include accurate identifying information on caller identification displays. Penalties are provided for violations.

S.1158 GOVERNING BOARD MEMBERSHIP EXPANSIONS Sen. Verdin

The legislation revises the membership provisions for water and sewer authorities advisory committee, the Coastal Zone Management Appellate Panel, and the State Board of Veterinary Examiner to incorporate additional members representing the state's new Seventh Congressional District. The legislation governing provisions for the South Carolina Conservation Bank, to add two seats to the bank's board, one member to represent the Seventh Congressional District appointed by the President Pro Tempore of the Senate, and one member from the state at large appointed by the Speaker of the House Of Representatives.

S.1269 PHARMACY AUDIT RIGHTS Sen. Peeler

This bill establishes the rights of a pharmacy when undergoing an audit of its records conducted by a managed care company, insurance company, third-party payer, or any entity that represents a responsible party. These rights address time limitations, auditing standards, access to records, limitations on recoupment of funds, and access to an appeals process. These provisions do not apply to an audit, review, or investigation conducted by or on the behalf of the Department of Health and Human Services in the performance of its duties in administering Medicaid Program or that involves alleged insurance fraud or abuse, Medicare fraud or abuse, or other fraud or misrepresentation.

S.1324 ADDITION OF COMMISSIONERS TO BE APPOINTED FROM THE NEW SEVENTH CONGRESSIONAL DISTRICT Sen. Ryberg

This bill revises membership provisions for the South Carolina Real Estate Commission, the South Carolina Residential Builders Commission, the State Athletic Commission, and the South Carolina Jobs Economic Development Authority, so as to add a commissioner to each of these bodies to be appointed from the state's new Seventh Congressional District.

**H.5152 DRYCLEANING FACILITY RESTORATION TRUST FUND REVISIONS
Rep. Bales**

This bill makes revisions to Drycleaning Facility Restoration Trust Fund provision including: specifying the use and purpose of the fund, authorizing the Department of Health and Environmental Control to expend monies from the fund for assessment of potential sites prior to obtaining evidence of contamination at the site; and, clarifying what facilities are excluded from participating in the fund and the effect of participating in the fund if a facility is seeking exemption.

MEDICAL, MILITARY, PUBLIC AND MUNICIPAL AFFAIRS

S.1168 EDUCATIONAL INFORMATION ON PERTUSSIS DISEASE TO PARENTS OF NEWBORNS Sen. Fair

This bill requires hospitals to provide parents of newborns, prior to discharge, educational information on pertussis disease which is commonly known as whooping cough. The bill also requires this information to include the Center for Disease Control's

recommendation that parents receive the tetanus, diphtheria, and pertussis vaccine during post partum to protect newborns from the transmission of pertussis.

S.1351 LIFEGUARDS AT PUBLIC SWIMMING POOLS Sen. Fair

The legislation specifies the number of lifeguards, based on the number of square footage and the number of patrons, that a public swimming pool operated by the state or a political subdivision of the state, must have as a condition of obtaining and maintaining an operating permit. The legislation does exclude pools at water parks from these lifeguard requirements.

WAYS AND MEANS

S.704 SALE OF FORFEITED LANDS Sen. S. Martin

This bill revises provision governing the method and terms of sale of forfeited lands.

S.1134 WILLIAMSBURG TECHNICAL COLLEGE CAPITAL IMPROVEMENT BOND AUTHORIZATIONS Sen. McGill

This bill revises the purpose for which capital improvement bond authorizations may be used at Williamsburg Technical College.

S.1167 TAX INCREMENT FINANCING LAW REVISION Sen. Lourie

This bill allows a municipality and one or more taxing districts to provide by intergovernmental agreement for partial or modified participation in a redevelopment project.

H.5142 INDIVIDUAL INCOME TAX DEDUCTION OF CERTAIN STATE RETIREMENT BENEFITS Rep. Clyburn

This bill allows a state individual income tax deduction for retirement benefits from a public employee pension plan earned in a state which imposes no state individual income tax.

H.5145 "SOUTH CAROLINA ECONOMIC DEVELOPMENT AND EDUCATION INVESTMENT ACT OF 2012" Rep. Horne

This bill enacts the "South Carolina Economic Development and Education Investment Act of 2012". The legislation amends the Education Finance Act in order to consolidate sources of funding, including funding derived from the Education Improvement Act, Homestead Exemption Fund, and the newly created South Carolina Public Education Program Fund, and to distribute funding based on weighted pupil units to reflect current student needs. The legislation establishes a 'State Uniform Millage' (SUM), imposing an annual, permanent, and uniform statewide ad valorem tax on all taxable property, all revenues from which are appropriated to the newly-created South Carolina Public Education Program Fund. The legislation establishes the South Carolina Public Education Program and the South Carolina Public Education Program Fund to include the educational programs and services the State requires a local school district to provide in order that students receive quality instruction necessary to meet or exceed grade-specific performance standards in the core academic areas of mathematics, English/language arts, social studies, history, government, economics, and geography, and science for kindergarten through twelfth grade while recognizing the importance of foreign languages, visual and performing arts, health, physical education, and career

Legislative Update, April 24, 2012

and occupational education in the overall academic, social, and physical development of students and achieve at the academic performance levels required by the state constitution and state law, including the Education Accountability Act.

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